

Statement by Rep. Jim Moran
at the
Air Pollution Control Board Meeting

May 22, 2007

I appreciate this opportunity to testify. In preparing my comments for today's hearing, I am troubled by what little progress has been made to protect the public's health from harmful emissions from the Potomac River Generating Station. I know an incredible number of hours have been expended on the various processes that have dragged out in federal and state court and before this board, the Environmental Protection Agency, the U.S. Department of Energy, the Federal Energy Regulatory Commission, the Virginia Department of Environmental Quality, the City of Alexandria and the Virginia Health Department. Did I miss anyone?

Process, protocol and procedures have consumed countless hours while residents, particularly those who live within the downwash area, continue to live in uncertainty and in many cases, I am sure, in fear.

It has been almost 3 years and 4 months since the David Sullivan study, financed by two local residents, concluded that downwash was occurring in neighborhoods adjacent to the power plant. It has been 3 years and 8 months since Mirant affirmed that it had exceeded its NOx permit. It has been 1 years and 9 months since a second study confirmed that downwash was occurring, and that the plant was shown to have serious modeled exceedences of the National Ambient Air Quality Standards for five of the six pollutants regulated by the Environmental Protection Agency. And it has been 1 year and 5 months since the Department of Energy's Emergency Order was issued and almost one year since EPA issued its Administrative Order allowing the plant to operate in an unprecedented predictive modeling scheme.

Yet, the final resolution of the consent order on the NOx violations was only recently concluded by the courts. And today this board is entertaining only temporary options for governing the plant's operations even though we have known for at least six months that the EPA administrative order would be lifted once PEPCO completes its new transmission lines this summer. A new plant operating permit has been in the works since September 2004, when the original consent decree on the NOx violations was announced. It certainly appears that process has replaced public health as a priority.

For the current matter before the board, I wish to associate myself with the comments submitted by the City of Alexandria. Permits are preferable to consent orders. Any interim permits should be for a short period, not to exceed 3 months. Predictive modeling should be rejected. Pollution controls should be optimized to achieve maximum pollution reduction. And,

a comprehensive operating permit addressing all emitted pollutants should be issued as soon as possible.

But having said this, let me emphasize that this plant continues to merit the special attention of this board and DEQ, and in the final analysis, needs to be closed.

First, the injection of unprecedented volumes of Trona into the combustion process, the proposed merger of the emission stacks and the other modifications at the plant that have extended its useful life should have triggered a major, not minor, New Source Review, which would have triggered the installation of far more effective pollution controls than those in use today.

Second, given the documented existence of downwash, DEQ and this board have an obligation to reduce the public's exposure to toxic emissions not currently governed by the National Ambient Air Quality Standards. Fortunately, Virginia is vested with considerable power to regulate operations at the Potomac River plant, which includes the power to limit emission of hazardous chemicals not covered by EPA regulations. Toxins such as lead, mercury, cadmium, hydrochloric acid and hydrofluoric acid are concentrating at ground level and exposing local residents to unknown risks.

Third, the metropolitan D.C. area is in serious noncompliance for the annual standard for fine Particulate Matter of 2.5 microns or less (PM_{2.5}). Since it is one of the largest stationary sources of PM_{2.5}, the closure of the Potomac River plant would play a major role in bringing the region into compliance. Also, a more thorough evaluation must be done to resolve what are now divergent views on the effects of the Trona injections on PM_{2.5}.

I ask the board to commit the time and resources necessary to ensure the well-being of Alexandria's citizens and others who are exposed to emissions from the Potomac River Generating Station. In this regard, I ask that you take notice of the contrast between the recent actions of the Attorneys General of Virginia and New York. The Virginia Attorney General in communication with the Mayor of New York City has come to the aid of gun dealers engaged in illegal sales, while New York's Attorney General concluded a lawsuit that resulted in the closure of the Mirant's Lovett power plant in the Hudson Valley.

I trust the board will pursue the public interest and emulate the conduct of New York's Attorney General, not our own Virginia Attorney General.

Thank you.